

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
RICHARD W. CLARK, individually and)	CIVIL ACTION
d/b/a R & W CLARK CONSTRUCTION,)	
INC., a dissolved Illinois corporation,)	NO. 08 C 2026
)	
Defendant,)	JUDGE RONALD A. GUZMAN
)	
and)	
)	
PARKWAY BANK & TRUST CO.,)	
)	
Garnishee Defendant.)	

**MOTION FOR TURN-OVER ORDER
AGAINST GARNISHEE DEFENDANT**

NOW COME Plaintiffs, by their attorneys, and move for the entry of a turn-over order against PARKWAY BANK & TRUST CO., Garnishee Defendant, in the amount of \$21,018.00. In support of this Motion, Plaintiffs state as follows:

1. On June 10, 2008, judgment was entered by the Honorable Ronald A. Guzman in favor of Plaintiffs and against Defendant in the amount of \$38,580.89.
2. On August **, 2008, Plaintiffs caused a non-wage garnishment summons and interrogatories to be served on the Garnishee Defendant (a copy of the Garnishment Summons and Affidavit of Service is attached hereto as Exhibit A).

3. On August 14, 2008, Garnishee Defendant answered Plaintiffs' Interrogatories indicating that it was in possession of \$21,118.00, which was then due and owing to Defendant (a copy of the Interrogatories to Garnishee is attached hereto as Exhibit B).

4. After Garnishee Defendant deducted its fee of \$100.00, there remains \$21,018.00 due and owing to Defendant.

WHEREFORE, Plaintiffs pray that a turn-over order in the amount of \$21,018.00 be entered against Garnishee Defendant, PARKWAY BANK & TRUST CO.

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6237001
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: jdunitz.geiringer@baumsigman.com

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Turn-Over Order) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 19th day of August 2008:

Ms. Rosa E. Acuna
Legal Research Department
Parkway Bank & Trust Co.
4800 N. Harlem Avenue
Harwood Heights, IL 60706

Mr. Richard W. Clark
R & W Clark Construction, Inc.
19418 97th Avenue
Mokena, IL 60448

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
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EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GARNISHMENT NOTICE ON REVERSE SIDE

WILLIAM E. DUGAN, et al.,

Plaintiffs,

vs.

RICHARD W. CLARK, individually and d/b/a
R & W CLARK CONSTRUCTION, INC., a dissolved
Illinois corporation,

Defendant,

and

PARKWAY BANK & TRUST CO.,
4800 N. Harlem Avenue
Harwood Heights, IL 60706
(708) 867-6600

Garnishee
Defendant.

CIVIL ACTION

NO. 08 C 2026

JUDGE RONALD A. GUZMAN

GARNISHMENT SUMMONS (NON-WAGE)

To the Garnishee:

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, in the office of the Clerk of this Court located in U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, on or before** AUGUST 29, 20⁰⁸. However, if this summons is served on you less than 10 days before that date, you must file answers to the interrogatories on or before 14 days after that date. **IF YOU FAIL TO DO SO, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.**

To the Officer:

This summons must be returned by the officer or other persons to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than the above date.

Date: JUL 31 2008

MICHAEL W. DOBBINS

Clerk of the Court

J. C. [Signature]

Deputy Clerk

(Seal of Court)

NOTE: This summons is issued pursuant to Rule 69A of the Federal Rules of Civil Procedure.

** 21-30 days after date of issuance of this summons.

(IMPORTANT NOTICE TO DEFENDANT ON REVERSE SIDE)

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**GARNISHMENT NOTICE**WILLIAM E. DUGAN, et al.

Judgment Creditor

CIVIL ACTION

v.

NO.: 08 C 2026RICHARD W. CLARK, individually
and d/b/a R & W CLARK CONSTRUCTION, INC.JUDGE: RONALD A. GUZMAN

Judgment Debtor

Summons Return Date: August 29, 2008PARKWAY BANK & TRUST CO.

Garnishee

Judgment DebtorJudgment Creditor/Creditor's AttorneyName: Richard W. Clark/R&W Clark
Address: 19418 97th Avenue
City: Mokena, IL 60448
Telephone: _____Name: Jennifer L. Dunitz-Geiringer
Address: 200 W. Adams St., Ste. 2200
City: Chicago, IL 60606-5231
Telephone: (312) 236-4316Judgment in the amount of \$ 38,580.89**NOTICE**

The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishment summons was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at 219 South Dearborn Street, 20th Floor, Chicago, IL 60604, before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at 219 South Dearborn Street, 20th Floor, Chicago, IL 60604, on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail.

MICHAEL W. DOBBINS, CLERK, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS

State of Illinois

General No.: 08C2026

County of USDC CHICAGO

AFFIDAVIT OF SERVICE

LEROY KARCZEWSKI depōses and says that he/she is a licensed or registered employee of a Private Detective Agency, licensed by the Illinois Department of Professional Regulation and therefore authorized, pursuant to the provisions of Chapter 735, Code of Civil Procedure Section 5/2-202, Illinois Compiled Statutes, to serve process in the above cause, and that the defendant was served in the following manner:

On 8/13/2008 at 2:55:00 PM by leaving a true and correct copy of the attached GARNISHMENT SUMMONS (NON-WAGE) with Parkway Bank & Trust Co. as shown below:

Served the wihin named Parkway Bank & Trust Co. by delivering a true and correct copy of the GARNISHMENT SUMMONS (NON-WAGE), to Joan Peterka a person authorized to accept service of process as agent.

Said service was effected at 4800 N. Harlem Ave., Harwood Heights, IL 60706

Description of Person Served Sex: Height: Weight: Race: Age:

Additional or Other Information:

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to such matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

8-14-08
Dated



Leroy Karczewski
117-000192

EXHIBIT B

INTERROGATORIES TO GARNISHEE/RESPONDENT

Case No. 08 C 2026

Interrogatory - At the time of service of the garnishment summons, did you have in your custody or control any personal property or monies belonging to the judgment debtor? _____ (yes or no)

ANSWER

Parkway Bank & Trust Co., Agent of Garnishee, certify under penalty of perjury that with regard to property of the judgment debtor, the Garnishee Respondent files the following answer to this Garnishment and on of service of Garnishment Summons had possession of the following property of the judgment debtor.

Circle one or more of the following and indicate the amount held:

- A) Savings Account (Amount withheld) \$ 21,118.00
- B) Checking and / or Now Account (Amount withheld) \$ _____
- C) Certificate of Deposit (Amount held) \$ _____
- D) Money Market Account (Amount held) \$ _____
- E) Trust Account (Amount held) \$ _____
- F) Safety Deposit Box \$ _____
- G) Adverse Claimant: Name _____ Address _____
- H) Other Personal Property (Describe) _____

Less right of offset for other loans
Less deduction for fees limited by
205 ILCS 5/48.1 (g)

Bank's Fee \$100.00

Sub Total \$21,118.00

Total \$21,018.00

Agent for Garnishee Respondent
Legal Research Supervisor

CERTIFICATE OF SERVICE

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